

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, the abstract of the disclosure, and claims 1 and 3-7 have been amended. Claims 2, 8, and 9 have been canceled, and new claims 10-21 have been added. Claims 1, 3-7, and 10-21 are now pending in the application. Claims 1, 6, 11, 16, and 19 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to more fully comply with U.S. practice. Claim 1 has also been amended to incorporate the feature previously recited in now-canceled dependent claim 2. Independent apparatus claim 6 has been amended in parallel to method claim 1. New claims 10-21 have been added to further define the scope of Applicants' invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) - Poetter

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,634,297 to Poetter et al. (hereinafter "Poetter").

The rejection of claims 1 and 6 under § 102(b) over Poetter is respectfully traversed. For at least the following reasons, the disclosure of Poetter does not anticipate Applicants' presently claimed invention.

As indicated above, claim 1 has been amended to incorporate the feature previously recited in now-canceled dependent claim 2. Applicants' claim 1 defines a process that includes, *inter alia*, "during the printing operation the control and regulation unit generates corrective signals for the actuator of at least one part of the rollers of the respective inking unit involved in the printing process, *such that for a variation in the printing speed, the control and regulation unit generates additional corrective signals based on which the actuators adjust the roller positions in relation to the printing speed.*"

Independent apparatus claim 6 has been amended in parallel to method claim 1. Applicants' claim 6 defines a machine that includes a control and regulating unit that for a variation in printing speed, "generates additional corrective signals based on which the actuators adjust the roller positions in relation to the printing speed."

Poetter's "Device and Process for Setting the Printed Image in a Flexographic Press" is structurally and functionally different from Applicants' claimed device and process. Poetter discloses "at least one camera (K) that scans the printed image (10) on the printed material web (17) and that feeds the images shot in succession to an electronic control and regulating unit (13)" (Abstract). Poetter also discloses a "control and regulating unit (13) [that] generates signals for the actuating drives of at least one part of the rollers (3, 7, 8) involved in the printing and inking process until or as the printed image is reproduced without area loss" (Abstract). Therefore, while Poetter may disclose adjusting the roller positions, the adjustment is based solely on the scan of the printed image.

However, in Applicants' process and machine as presently claimed, the roller positions are also adjusted in relation to the printing speed. Poetter's device and process, therefore, do not meet, *inter alia*, Applicants' above-quoted claim 1 and claim 6 features of further adjusting the roller positions based on the speed of the printing operation.

Since Poetter does not meet each feature of the claimed invention, Poetter does not anticipate the invention defined by Applicants' claims 1 and 6.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1 and 6 under § 102(b) based on Poetter are respectfully requested.

35 U.S.C. § 103(a) - Poetter and DiBello

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poetter in view of U.S. Patent No. 5,992,318 to DiBello et al. ("DiBello").

The Office Action asserts that "DiBello et al. teaches a printer having a control and regulation unit which generates additional corrective signals based on which adjustments are made in relation to the printing speed based on calibration tables or algorithms that are stored in a storage device," and relies specifically upon "column 11, line 60 - column 12, line 44 and column 25, lines 24-46." The Office Action concludes that "[i]t would have been obvious . . . to modify the process of Poetter et al. to have the adjustments based on printing speed, as taught by DiBello et al., in order to maintain a proper adjustment at all printing speeds."

The rejection of claims 2 and 3 under § 103(a) over Poetter and DiBello is respectfully traversed. The combined disclosures of Poetter and DiBello would not have rendered obvious Applicants' claimed invention because the combined disclosures of Poetter and DiBello do not teach all of Applicants' claim features.

Neither Poetter nor DiBello teaches adjustment of the roller positions based on the speed of the printing operation, let alone according to Applicants' claimed invention.

DiBello describes a system for maintaining the ink density in which there is a closed loop control to influence the amount of ink delivered to the paper. Thus, the amount of ink is varied by adjusting the blades or zones 15 by servomotors 16 (see DiBello column 4, lines 51-57). Furthermore, DiBello fails to teach adjusting the blades in relation to the printing speed.

Even more pertinently, DiBello fails to teach varying the roller position in relation to the printing speed. According to Applicants' invention, the roller position is varied with respect to the central impression cylinder (see, e.g., Applicants' specification page 4, line 16, through page 5, line 24). The examiner, however, relies upon portions of the DiBello disclosure (i.e., DiBello "column 11, line 60 - column 12, line 44 and column 25, lines 24-46") that address the electronic adjustment of *the image detection system* in relation to the printing speed. That is not Applicants' claimed invention.

Furthermore, there is simply no teaching in either Poetter or DiBello that would have led one to select the references and combine them, let alone in a way that would produce Applicants' claimed invention.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 2 and 3 under § 103(a) based on Poetter and DiBello are respectfully requested.

35 U.S.C. § 103(a) - Poetter and Allen

Claims 4, 5, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poetter in view of U.S. Patent No. 6,497,179 to Allen et al. ("Allen").

The Office Action asserts that "Allen et al. teaches a printing apparatus having a sensor, 48, which records the intensity of light, 45a, that is penetrated previously by the printed material, 12, characterized in that at least one light source, 42a, supplies light to the side of the printed material that is opposite to the sensor," and relies specifically on "column 4, lines 4-17 and Fig. 2b." The Office Action concludes that "[i]t would have been obvious . . . to modify the process of Poetter et al. to have the penetrating light source of Allen et al. in order to be able to better detect the characteristics of the material."

With regard to claim 7, the Office Action asserts that "Poetter et al. teaches all that is claimed, as in the above rejection of claims 1-6 [sic, 1 and 6], except for at least one sensor with which it is possible to measure the light intensity in different spectral ranges."

The Office Action asserts that "Allen et al. teaches a sensing system, 26, which can measure the light intensity of light sources in different spectral ranges." The Office Action concludes that "[i]t would have been obvious . . . to modify the process of Poetter et al. to have the varying light sources taught by Allen et al. in order to be able to interpret different aspects of the medium."

Regardless of what Allen may disclose with regard to a sensing device, the disclosure of Allen fails to rectify any of the above-described deficiencies of Poetter. In particular, Allen fails to teach Applicants' claimed feature (claim 1) of further adjusting the roller positions based on the speed of the printing operation.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 4, 5, and 7 under § 103(a) based on Poetter and Allen are respectfully requested.

35 U.S.C. § 103(a) - Poetter, DiBello, and Allen

In view of the amendment of claim 1 to incorporate the feature previously recited in now-canceled dependent claim 2, and in view of the recitation of the sensor feature in claim 4, claims 8 and 9 have been canceled as being redundant. Accordingly, the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) as being

U.S. Appln. No.: 10/541,849
Atty. Docket No.: P70529US0


unpatentable over Poetter in view of DiBello and further in view of Allen is deemed to be moot.

New claims 10-21 have been added to further define the scope of protection sought for Applicants' invention. New claims 10-21 are also allowable. Since each of new independent claims 11, 16, and 19 includes at least the features discussed above with respect to the applied prior art references, none of the references of record either anticipates or would have rendered obvious the device and method defined by any of new claims 10-21.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: 
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: ~~February 28, 2007~~ **MARCH 2, 2007**